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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,350	01/30/2002	Charles A. Garris III	54265-301	5209

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ROCKFORD, IL 61114-8018

EXAMINER

WALBERG, TERESA J

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,350

Applicant(s)

GARRIS, CHARLES A.

Examiner

Teresa J. Walberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in-condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 11-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/3/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

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1. The indicated allowability of claims 4-10 and 17-20 is withdrawn in view of the newly discovered reference to Welch (2,838,646). Rejections based on the newly cited reference follow.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Welch (2,838,646).

Welch (see Fig. 1) discloses a selection switch (27) and infinite switch energy regulator unit including an infinite switch energy regulator for adapting an input voltage level and having a rotatable shaft for adjusting the average output voltage level (col. 3, lines 47-52) and an input voltage selector for selecting between a plurality of input voltages (col. 1, lines 52-57) by actuation of a rotatable mechanism (Fig. 1) and having as an output the input voltage level to the energy regulator, the rotatable shaft operatively coupled to the rotatable mechanism (Fig. 1), the rotatable mechanism has an aperture, the rotatable shaft extending through the aperture and corresponding to the cross sectional shape, the energy regulator providing a variable duty cycle (col. 3, lines 47-52).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welch (2,838,646) in view of Grunert (5,219,070).

Welch, as discussed above, discloses the claimed structure with the exception of the unit including a face plate bracket with a threaded plate and mounting threads.

Grunert discloses a mounting plate for a rotary switch operator including a face plate bracket with a threaded plate and mounting threads.

It would have been obvious in view of Grunert to provide such a mounting plate for the rotary switch of Welch, the motivation being to securely hold the switch in place and to protect the circuitry.

6. Claim 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welch (2,838,646).

Welch, as discussed above, discloses the claimed structure with the exception of the unit including a pre-defined swell between the first and second voltages and the voltages used being 120 and 240 volts.

With respect to claim 17, while Welch discloses the voltages used being 115 and 230 volts, it would have been obvious to use 120 and 240 volts or any

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suitable power levels depending on what voltages were available in the local area.

With respect to claims 18-20, while Welch does not appear to discuss a dwell time between the voltages, dial 27 in Fig. 1 shows an off setting between the two voltages, which would appear to function as a dwell time. While the size of Welch's off area is unclear it would have been obvious to choose an off area of 10-20 degrees, since the exact size of the dwell time used would be readily determined by one of ordinary skill in the art, based on the switch structure being used and the amount of separation needed to prevent negative effects on the circuitry when switching between voltage levels.

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

8. Claims 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 571-272-4790. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Teresa J. Walberg  
Primary Examiner  
Art Unit 3742

tjw